

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 22-3046

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Kalyn Aga; Randy Aga; Courtney Ahrendt; Ezra Ahrendt; Janet Backes; Lauren Bader; Zachary Bader; Amy Barber; Kathy Baumberger; Amber Berry; William Berry, III; Jennifer Biggers; John Biggers; Chad Blodgett; Pamela Blodgett; Dominic Bradford; Katelyn Bradford; Diana Bromwich; Justin Bromwich; Christopher Burns; Katherine Burns; Billy Burton; Christine Burton; William Chapman, Jr.; Melinda Cherry; Nathan Cherry; Johnathan Cina; Kristin Cina; Chris Conners; Deidra Conners; Melissa Crouch; Daniel Crouse; Joseph Davis; Beau Deines; Jeffrey Digerness; Kathryn Digerness; Daniel Drown; Sheila Drown; Michael Esposto; Andrea Fischer; Stephany Fishcher; Ashley Fox; Adam Gerdes; Terry Gilbertson; Jeremy Gouldin; Sarah Gouldin; Blake Hallert; Jason Hanson; Jerome Hardy; Inez Harrington; Heather Heinert; Danielle High Bear; Eric High Bear; Randall Janssen; Brandon Jensen; Nicole Jensen; Darrin Johnson; Theresa Johnson; Cory Kaliszewski; Marie Keller; Sue Kelly; Tom Kelly; Lori Kiehn; Hanna Kraft; Amanda Little; James Little; Misty Little; Jeff Livengood; Michelle Livengood; Carlos Llorens; Jenni Llorens; Carolyn Lorge; Michael Lorge; David Lowe; Thomas Machette; Theresa Maxon; David McKelvey; Shilou McKelvey; Alexandria Mefford; Timothy Mefford; Travis Miller; Constance Ming; Geneva Minick; Robert Minick; Michael Moore; Nicole Moore; Vallene Morris; Sarah Nava; Chris Nelson; Jamie Nelson; Randy Nelson; Sandy Nelson; Amanda Oliver; Nathan Oliver; Carolina Osburn; John Osburn; Brenda Oxner; Richard Oxner; Scott Perry; Kyle Pfeifle; Crystal Powell; Jocelyn Powell; Tori Purcell; Deborah Radenic; James Radenic; Sandra Rave; Albert Reitz; Sage Robinson; Jared Rundell; Sara Rundell; Bryce Salisbury; Megan Salisbury; Glenda Schamber; William Schamber; Donald Schnittgrund; Kelly Schultz; Korey Schultz; Justin Schummer; Jason Schultz; Kendra Scott; Matthew Scott; Carina Sheperd; Jack Sheperd; Cole Smith; Samantha Smith; Scott Smith; Valerie Gerdes; Michael Souza; Bruce Stacy; Sheri Stacy; Lesa Sumners; Jeremiah Sutton; Christopher Taylor; Kara Taylor; Wendi Taylor; Barry Thompson; Clyde Thompson; Janet Thompson; Erika Trudo; John Trudo, Jr.; Cheyenne Tucker; Tyler Tucker; Ashley Wagner; Matthew Wagner; Trever Wagner; Wendy Wagner; Angela Wermers;

Loren Wermers; Joseph West; Julie West; Ann Wiley; Paula Wimp; William Wimp; Catherine Wirkus; Mark Wirkus; Bradley Wojahn; Rebekah Wojahn; Stephen Wright

*Plaintiffs – Appellants*

v.

Meade County

*Defendant - Appellee*

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Appeal from United States District Court  
for the District of South Dakota - Western

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Submitted: May 3, 2023

Filed: May 8, 2023

[Unpublished]

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Before LOKEN, BENTON, and STRAS, Circuit Judges.

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PER CURIAM.

A group of homeowners appeal the dismissal of their due-process claim against Meade County for letting their neighborhood be built over a mine. *See* 42 U.S.C. § 1983. Having carefully reviewed the record and the parties’ arguments on appeal, we conclude that the complaint failed to state a claim. *See Kruger v. Nebraska*, 820 F.3d 295, 301–03 (8th Cir. 2016) (reviewing the failure to state a claim de novo and explaining that the state-created-danger doctrine only applies to “immediate[] and proximate harm” (quotation marks omitted)); *Dorothy J. v. Little Rock Sch. Dist.*, 7 F.3d 729, 733 (8th Cir. 1993) (discussing when a harm is “too

remote” in time). We accordingly affirm for the reasons given by the district court.<sup>1</sup>  
*See* 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Jeffrey L. Viken, United States District Judge for the District of South Dakota.